

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4257 OF 2021

Petitioner : Chandrabhan Laldasji Shahare,
 Aged about 52 years, Occupation : Service,
 R/o In front of Kashyap Plaza, Tilak Ward,
 Warora-Chandrapur-Nagpur Road, Ekarjuna,
 Chandrapur (Maharashtra-442907).

– Versus –

Respondents : 1. The Deputy Director of Education,
 Nagpur Division, Nagpur.
 2. The Education Officer (Secondary),
 Zilla Parishad, Chandrapur.
 3. The Municipal Council,
 through its Chief Officer, Municipal Council,
 Warora, District Chandrapur.
 4. The Nagar Parishad, Nehru Urdu Vidhyalaya
 (Urdu Medium), Warora,
 Municipal Council, Warora, District Chandrapur,
 through In-charge Head Master.

 Ms. Kirti Satpute, Advocate for the Petitioner.

Mr. D.P. Thakare, Additional G.P. for Respondent Nos.1 & 2.

Mr. M.I. Dhattrak, Advocate for Respondent Nos.3 & 4.

CORAM: **A.S. CHANDURKAR AND M.W. CHANDWANI, JJ.**

DATE : **9th NOVEMBER, 2022.**

ORAL JUDGMENT : *(Per A.S. Chandurkar, J.)*

Rule. Rule made returnable forthwith. Heard finally by the consent of learned Counsel for the parties.

02] The petitioner claims entitlement to the post of Headmaster from 26/09/2017. The petitioner is serving at a school run by the Municipal Council, Warora. Since the claim of the petitioner for being promoted was not being considered, the petitioner made various representations to the Chief Officer in that regard. Since the petitioner did not get any relief despite making various representations, the petitioner has filed this writ petition.

03] In the reply filed by the Chief Officer-Respondent No.3, it has been stated in paragraph 5 that the claim of the petitioner was verified in the context of the common seniority list. Since, the petitioner was found to be second senior most teacher, his name has been forwarded to the Promotion Committee on 21/02/2022 for being considered for promotion. It is further stated that it is now for the Promotion Committee to consider the claim of the petitioner.

04] In the light of aforesaid, the grievance of the petitioner can be redressed by directing the Promotion Committee to consider the proposal that has been forwarded by the Chief Officer on 21/10/2022 in the matter of the petitioner's promotion. Since the Chief Officer is also a Member of the Promotion Committee, he is directed to convey this order to the Promotion Committee accordingly. The Promotion Committee shall take a decision on

the aforesaid proposal within a period of four weeks from receipt of copy of the present orders. The decision be taken after granting an opportunity of hearing to the petitioner. The entitlement of the petitioner to seek promotion from 26/09/2017 is kept open for being considered by the said Committee.

05] The writ petition is disposed of in the aforesaid terms. Rule accordingly with no order as to costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

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